

AMENDED IN ASSEMBLY AUGUST 26, 2011

AMENDED IN ASSEMBLY AUGUST 15, 2011

AMENDED IN ASSEMBLY JULY 13, 2011

AMENDED IN ASSEMBLY JUNE 29, 2011

AMENDED IN SENATE MAY 24, 2011

SENATE BILL

No. 140

Introduced by Senator Lowenthal

January 31, 2011

An act to add and repeal ~~Sections 60227.5 and~~ *Section* 60605.86 of the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 140, as amended, Lowenthal. Instructional materials.

~~(1) Existing~~

Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, and authorizes the state board to establish criteria for that purpose. Existing law requires the state board in reviewing and adopting instructional materials to use specified criteria and ensure that, in its judgment, the submitted instructional materials meet all of the specified criteria. ~~Existing law prohibits the state board from adopting instructional materials, or following specified procedures, until the 2015-16 school year.~~

~~This bill would require the State Department of Education to recommend, and the state board to approve, evaluation criteria to guide the development and review of 8th grade mathematics instructional materials, as specified. The bill also would require the department to~~

~~recommend, and the state board to approve, content review experts to review 8th grade mathematics instructional materials, as specified. The bill would require the department to provide specified notice to publishers and manufacturers before commencing the adoption process for 8th grade mathematics instructional materials. The bill would require the department to assess a fee on each publisher or manufacturer that chooses to participate in the 8th grade mathematics instructional materials adoption process and would require the fee to comply with specified requirements. The bill would prohibit a publisher's or manufacturer's 8th grade mathematics instructional materials from being reviewed for purposes of adoption until the fee is paid in full. The bill would require the adoption of 8th grade mathematics instructional materials by the state board in accordance with this adoption process to be performed notwithstanding the prohibition against adopting instructional materials until the 2015-16 school year, and to be considered the adoption of instructional materials that are aligned to the California common core academic content standards for 8th grade mathematics.~~

~~(2) Existing~~

Existing law establishes the Academic Content Standards Commission and requires the commission to develop academic content standards in language arts and mathematics and to present its recommended academic content standards to the ~~State Board of Education~~ *state board*. Existing law requires at least 85% of these standards to be the common core academic standards developed by the Common Core State Standards Initiative consortium or any associated or related interstate collaboration. Existing law requires the state board to adopt or reject the academic content standards. ~~Existing law exempts instructional materials that are aligned to these standards from the requirement that the state board adopt any additional criteria that instructional materials will be required to meet at least 30 months before the materials are to be approved for adoption.~~

This bill would require the State Department of Education to recommend, and the state board to approve, evaluation criteria to guide the development and review of supplemental instructional materials. The bill also would require the department, on a one-time basis, to develop a list, on or before July 1, 2012, of supplemental instructional materials for use in kindergarten and grades 1 to 8, inclusive, that are aligned with the California common core academic content standards ~~in~~ *for language arts and for use in kindergarten and grades 1 to 7,*

inclusive, that are aligned with the California common core academic content standards for mathematics. The bill would require the state board to perform specified reviews and to approve or reject all, or a portion, of the list of supplemental instructional materials proposed by the department and would authorize the state board to add an item to that list, as specified. The bill also would permit the governing board of a school district to approve supplemental instructional materials other than those approved by the state board if the governing board performs specified reviews and determines that other supplemental instructional materials are aligned with the California common core academic content standards and meet the needs of the pupils of the district. The bill would require supplemental instructional materials approved by the state board and the governing board of a school district in the subject areas of mathematics and English language arts to be reviewed by content review experts, as specified. The bill also would require supplemental instructional materials to comply with specified social content review requirements. The bill would require the department to maintain on its Internet Web site a list of supplemental instructional materials approved by the state board.

~~(3) The~~

The bill would require the department to use certain federal funds to implement the provisions of the bill. The provisions of the bill would become inoperative on July 1, 2014, and would be repealed on July 1, 2015.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California and 40 other states have adopted common core
- 4 academic content standards ~~in~~ *for* language arts and mathematics
- 5 to provide consistent and clear expectations of what pupils need
- 6 to learn to compete in a global economy.
- 7 (b) Eighty-five percent of the standards are common across the
- 8 nation, with 15 percent being unique to California.
- 9 (c) It is the intent of the Legislature that the state collaborate
- 10 with other states in the development of instructional materials to

1 realize efficiencies, particularly for the 85 percent of the standards
2 that are common across the nation.

3 (d) It is also the intent of the Legislature ~~to develop a process~~
4 ~~for the adoption of instructional materials that are specific to 8th~~
5 ~~grade mathematics and are aligned to the California common core~~
6 ~~academic content standards for mathematics.~~ *that the California*
7 *common core academic content standards in 8th grade*
8 *mathematics be reviewed to ensure they are rigorous, clear, and*
9 *concise for classroom instructional purposes. This review should*
10 *be conducted before developing a process for adopting*
11 *instructional materials that are aligned to the California common*
12 *core academic content standards for 8th grade mathematics.*

13 ~~SEC. 2. Section 60227.5 is added to the Education Code, to~~
14 ~~read:~~

15 ~~60227.5. (a) The department shall recommend, and the state~~
16 ~~board shall approve, evaluation criteria to guide the development~~
17 ~~and review of 8th grade mathematics instructional materials~~
18 ~~submitted pursuant to this section. Notwithstanding paragraph (6)~~
19 ~~of subdivision (c) of Section 60200, a publisher or manufacturer~~
20 ~~shall have 12 months, from the date the state board adopts the~~
21 ~~evaluation criteria, to develop and submit 8th grade mathematics~~
22 ~~instructional materials pursuant to this section.~~

23 ~~(b) The department shall recommend, and the state board shall~~
24 ~~approve, content review experts to review, in an open and~~
25 ~~transparent process, instructional materials submitted for approval~~
26 ~~in the subject of 8th grade mathematics. The majority of content~~
27 ~~review experts shall be teachers who are credentialed in the subject~~
28 ~~area of mathematics. The content review experts also shall include~~
29 ~~appropriate persons from postsecondary institutions, school and~~
30 ~~school district curriculum administrators, and other persons who~~
31 ~~are knowledgeable in mathematics.~~

32 ~~(c) Before commencing the adoption process for 8th grade~~
33 ~~mathematics instructional materials, the department shall provide~~
34 ~~notice, pursuant to subdivision (c), in all of the following manners:~~

35 ~~(1) Provide notice to all publishers and manufacturers known~~
36 ~~to produce basic instructional materials for 8th grade mathematics.~~

37 ~~(2) Post an appropriate notice on the department's Internet Web~~
38 ~~site.~~

1 ~~(3) Take other reasonable measures to ensure that appropriate~~
2 ~~notice is widely circulated to potentially interested publishers and~~
3 ~~manufacturers.~~

4 ~~(d) The notice provided pursuant to subdivision (c) shall specify~~
5 ~~that each publisher or manufacturer choosing to participate in the~~
6 ~~8th grade mathematics instructional materials adoption process~~
7 ~~shall be assessed a fee pursuant to subdivision (f).~~

8 ~~(e) The department, prior to incurring substantial costs for the~~
9 ~~8th grade mathematics instructional materials adoption process,~~
10 ~~shall require a publisher or manufacturer that wishes to participate~~
11 ~~in the 8th grade mathematics instructional materials adoption~~
12 ~~process to first declare its intent to submit one or more specific~~
13 ~~instructional materials for adoption.~~

14 ~~(f) (1) The department shall assess a fee on each publisher or~~
15 ~~manufacturer that chooses to participate in the 8th grade~~
16 ~~mathematics instructional materials adoption process, which shall~~
17 ~~comply with all of the following:~~

18 ~~(A) The fee shall be based on the number of instructional~~
19 ~~materials that the publisher or manufacturer indicates it will submit~~
20 ~~for review.~~

21 ~~(B) The fee shall be an amount that does not exceed the~~
22 ~~reasonable costs to the department in conducting the 8th grade~~
23 ~~mathematics instructional materials adoption process and the~~
24 ~~department shall take reasonable steps to limit the costs of the 8th~~
25 ~~grade mathematics instructional materials adoption process and~~
26 ~~to keep the fee modest, recognizing that some of the work~~
27 ~~necessary for the primary adoption of instructional materials need~~
28 ~~not be duplicated.~~

29 ~~(C) The department shall assess the fee after the publisher or~~
30 ~~manufacturer complies with subdivision (e).~~

31 ~~(2) The submission of an instructional material by a publisher~~
32 ~~or manufacturer shall not be reviewed for purposes of adoption~~
33 ~~until the fee assessed pursuant to this subdivision is paid in full.~~

34 ~~(g) It is the intent of the Legislature that the fee assessed~~
35 ~~pursuant to subdivision (f) not be so substantial that it prevents~~
36 ~~publishers and manufacturers from participating in the 8th grade~~
37 ~~mathematics instructional materials adoption process.~~

38 ~~(h) Notwithstanding subdivision (b) of Section 60200, if the~~
39 ~~department determines that there is little or no interest in~~
40 ~~participating in the 8th grade mathematics instructional materials~~

~~adoption process by publishers and manufacturers, it shall recommend to the state board that the 8th grade mathematics instructional materials adoption process should not be conducted, and the state board may decide to not conduct the 8th grade mathematics instructional materials adoption process.~~

~~(i) Revenue derived from fees charged pursuant to subdivision (f) shall be budgeted as reimbursements and subject to review through the annual budget process and may be used to pay costs associated with the 8th grade mathematics instructional materials adoption process.~~

~~(j) Eighth grade mathematics instructional materials submitted and approved pursuant to this section shall be added to the existing list of adopted basic instructional materials and shall not be considered to be part of a six-year submission cycle authorized pursuant to subdivision (b) of Section 60200.~~

~~(k) The adoption of 8th grade mathematics instructional materials by the state board in accordance with the adoption process described in this section shall be performed notwithstanding Section 60200.7, and shall be considered the adoption of instructional materials that are aligned to the California common core academic content standards for 8th grade mathematics.~~

~~(l) This section shall become inoperative on July 1, 2014, and, as of July 1, 2015, is repealed, unless a later enacted statute, that becomes operative on or before July 1, 2015, deletes or extends the dates on which it becomes inoperative and is repealed.~~

~~SEC. 3.~~

~~SEC. 2.~~ Section 60605.86 is added to the Education Code, to read:

60605.86. (a) The department shall recommend, and the state board shall approve, evaluation criteria to guide the development and review of supplemental instructional materials.

(b) Notwithstanding any other law, and on a one-time basis, the department shall develop a list, on or before July 1, 2012, of supplemental instructional materials for use in kindergarten and grades 1 to 8, inclusive, that are aligned with the California common core academic content standards ~~in~~ *for* language arts and *for use in kindergarten and grades 1 to 7, inclusive, that are aligned with the California common core academic content standards for* mathematics. The supplemental instructional materials shall provide a bridge between the *California* common

1 core academic content standards and the standards-aligned
2 instructional materials currently being used by local educational
3 agencies.

4 (c) (1) The department shall recommend, and the state board
5 shall approve, content review experts to review, in an open and
6 transparent process, supplemental instructional materials submitted
7 for approval in the subject areas of mathematics and English
8 language arts.

9 (2) The majority of content review experts approved pursuant
10 to paragraph (1) shall be teachers who are credentialed in the
11 subject area they are reviewing. The content review experts shall
12 also include appropriate persons from postsecondary institutions
13 and school and school district curriculum administrators, and other
14 persons who are knowledgeable in the appropriate subject area.

15 (3) The content review experts shall serve without compensation.

16 (d) (1) On or before September 30, 2012, the state board shall
17 do the following:

18 (A) Approve all, or a portion, of the list of supplemental
19 instructional materials proposed by the department, taking into
20 consideration the review of the content review experts and any
21 other relevant information, as appropriate.

22 (B) Reject all, or a portion, of the list of supplemental
23 instructional materials proposed by the department, taking into
24 consideration the review of the content review experts and any
25 other relevant information, as appropriate.

26 (2) The state board may add an item to the list of supplemental
27 instructional materials proposed by the department.

28 (3) If the state board rejects all, or a portion, of the list of
29 supplemental instructional materials proposed by the department,
30 or adds an item to the list, the state board, in a public meeting held
31 pursuant to the Bagley-Keene Open Meeting Act (Article 9
32 (commencing with Section 11120) of Chapter 1 of Part 1 of
33 Division 3 of Title 2 of the Government Code), shall provide
34 written reasons for the removal or addition of an item on the list.
35 The state board shall not approve a supplemental instructional
36 material it adds to the list at the same time it provides its written
37 reason for adding the material; instead, the state board shall
38 approve the added material at a subsequent public meeting.

39 (e) (1) The governing boards of school districts may approve
40 supplemental instructional materials other than those approved by

1 the state board pursuant to subdivision (d) if the governing board
2 determines that other supplemental instructional materials are
3 aligned with the California common core academic content
4 standards and meet the needs of the pupils of the district. The
5 governing board of a school district may only approve
6 supplemental instructional materials that comply with the
7 evaluation criteria approved pursuant to subdivision (a) and the
8 requirements of Section 60226, subdivision (h), and Article 4
9 (commencing with Section 60060).

10 (2) (A) A supplemental instructional material approved by a
11 governing board of a school district pursuant to this subdivision
12 that is in the subject area of mathematics or English language arts
13 shall be reviewed by content review experts chosen by the
14 governing board.

15 (B) The majority of the content review experts chosen pursuant
16 to subparagraph (A) shall be teachers who are credentialed in the
17 subject area they are reviewing. The content review experts shall
18 include appropriate persons from postsecondary institutions and
19 school and school district curriculum administrators, and other
20 persons who are knowledgeable in the appropriate subject area.

21 (C) The content review experts shall serve without
22 compensation.

23 (f) Publishers choosing to submit supplemental instructional
24 materials for approval by the state board shall submit standards
25 maps.

26 (g) (1) Before approving supplemental instructional materials
27 pursuant to this section, the state board shall review those
28 instructional materials for academic content, social content, and
29 instructional support to teachers and pupils. Supplemental
30 instructional materials approved by the state board pursuant to this
31 section shall meet required program criteria for grade-level
32 programs, intervention programs, and English learners and shall
33 include materials for use by teachers.

34 (2) Before approving supplemental instructional materials
35 pursuant to this section, the governing board of a school district
36 shall review those instructional materials for academic content and
37 instructional support to teachers and pupils. Supplemental
38 instructional materials approved by the governing board of a school
39 district pursuant to this section shall meet required program criteria

1 for grade-level programs, intervention programs, and English
2 learners, and shall include materials for use by teachers.

3 (h) Supplemental instructional materials approved pursuant to
4 this section shall comply with the social content review
5 requirements that would be imposed by Assembly Bill 339 of the
6 2011–12 Regular Session if that bill becomes operative; otherwise,
7 the governing board of a school district shall review supplemental
8 instructional materials for social content in compliance with Article
9 3 (commencing with Section 60040).

10 (i) The department shall maintain on its Internet Web site the
11 list of supplemental instructional materials approved by the state
12 board pursuant to subdivision (d).

13 (j) *The department shall use federal carryover funds received*
14 *pursuant to Title I of the federal No Child Left Behind Act of 2001*
15 *(20 U.S.C. Sec. 6301 et seq.) to implement this section.*

16 (j)

17 (k) This section shall become inoperative on July 1, 2014, and,
18 as of July 1, 2015, is repealed, unless a later enacted statute, that
19 becomes operative on or before July 1, 2015, deletes or extends
20 the dates on which it becomes inoperative and is repealed.